

**BOARD OF LAW EXAMINERS
SUPREME COURT OF MISSOURI
POST OFFICE BOX 150
JEFFERSON CITY, MISSOURI 65102
(573) 751-9814**

**INSTRUCTIONS FOR REQUESTING TESTING ACCOMMODATIONS
FOR THE MISSOURI BAR EXAMINATION**

Qualified applicants with disabilities may be provided accommodations to take the bar examination to the extent such accommodations are reasonable, consistent with the nature and purpose of the examination, and necessitated by the applicant's disability. The burden of proof is on the applicant to establish the existence of a disability, as defined by the Americans with Disabilities Act (ADA), and the need for the test accommodations requested. The ADA defines a "disability" as a physical or mental impairment that substantially limits one or more of the individual's major life activities. "Substantially" means "considerable" or "specified to a large degree." Comparison to the average person in the general population is made in determining whether a disability substantially limits a major life activity. In addition, the effects of corrective and mitigating measures, both positive and negative, will be considered when determining whether an applicant is substantially limited in a major life activity.

Under the ADA, the Board can require specific documentation to verify that an applicant is an individual for whom accommodations are required. The Board does this through the Petition for Test Accommodations and the documentation guidelines set out in the Petition. Each applicant's request for test accommodations is evaluated on a case-by-case basis.

FILING REQUIREMENTS: To request accommodations in taking the Missouri bar examination, you must submit a complete a Petition for Test Accommodations. If you have received accommodations in the past (at school, on standardized exams, on another state's bar exam, etc.), your Petition must include a Statement of Testing Agency/Educational Institution (p. 4 of the Petition) completed by each entity that provided you with accommodations. Please be aware that the fact that accommodations were granted or denied by other entities in the past is not determinative in the Board's decision. In addition to the Petition and applicable Statement(s) of Testing Agency/Educational Institution, you must submit supporting medical documentation in the form of a typed assessment or diagnostic report. That report must be prepared by your physician or other qualified health professional and must comply with the applicable Guidelines for Documentation set out on pages 5 - 11 of the Petition. Please read the Guidelines carefully and note that they contain separate sections specific to documentation for: (I) Physical/Visual/Hearing Impairments or Psychiatric Disorders; (II) Learning Disorders; and (III) Attention Deficit/Hyperactivity Disorder (ADHD). **Provide your qualified professionals with these Guidelines so that all necessary documentation is submitted with your Petition for Test Accommodations.**

FILING DEADLINE: A fully completed Petition for Test Accommodations, including your professional's diagnostic report and all other supporting documentation, is considered part of your application to take the bar exam and must be filed in accordance with the exam filing deadlines, as set out in Rule 8.07, and subject to the corresponding prescribed application filing fee. You should keep a copy of your completed Petition for Test Accommodations and all supporting documentation for your records.

RETAKE APPLICANTS: You must file a Petition for Test Accommodations each time you apply to take the Missouri bar examination, even if you have previously requested and received accommodations. If your condition has not changed and you are requesting exactly the same accommodations as were previously granted by the Board, you may rely on your previously submitted documentation, provided it satisfies the current documentation guidelines and it has not become stale. It is not necessary to resubmit any Statement(s) of Testing Agency/Educational Institution previously submitted. It also is not necessary to resubmit a detailed narrative description of your disability and related limitations (Question 2) unless there has been a change such that the description previously submitted is no longer accurate or complete.

PROCESSING OF YOUR PETITION: Pursuant to Rule 8.11(b), the Board may have any request for test accommodations, together with all supporting documentation, reviewed by a professional with expertise in the appropriate area of disability for an impartial professional review. The Board may require applicants to provide additional information or documentation if necessary to properly evaluate the request.

After review of your Petition for Test Accommodations and all supporting documentation is completed, you will receive a letter from the Board advising whether you have been granted test accommodations. If your request is granted, this letter will detail the specific accommodations you have been granted and will include a declaration for you to sign and return accepting the terms of the accommodations. If your request for accommodations is denied in whole or in part, you may appeal the decision to the full Board pursuant to Rule 8.12. The appeal must be received by the Board no later than 15 days after the date of the Board's notification of denial.

Missouri Board of Law Examiners
PETITION FOR TEST ACCOMMODATIONS

All applicants requesting nonstandard accommodations to take the bar examination must submit a complete Petition for Test Accommodations, including all supporting documentation from third parties, in accord with the examination filing deadlines set out in Rule 8.07 and subject to the applicable fee in the published Fee Schedule. Incomplete petitions will not be accepted for filing.

Applicant's Name

Social Security Number

Examination Applied For: July February Year

NATURE OF YOUR DISABILITY:

1. Check all that apply:
Physical Impairment
Attention Deficit/Hyperactivity Disorder (ADHD)
Learning Disorder
Visual Impairment
Hearing Impairment
Psychiatric Disorder
Other (Specify):

2. Attach a detailed narrative describing the nature of your disability and any functional limitations related to your disability, as treated or ameliorated by aids, medications, or compensating behavior. Specifically, explain how your disability impacts your daily life, education, work, and ability to take the bar examination under standard testing conditions. **(REQUIRED IN ALL CASES)**

PAST ACCOMMODATIONS PROVIDED FOR YOUR DISABILITY:

3. Have you received accommodations for course examinations or course work at any time during your educational career? Check all applicable boxes below, attach a detailed description of the accommodations, and provide a Statement of Testing Agency/Educational Institution for each box you checked.

No accommodations	College (undergrad or graduate)
Elementary school	Law school
High school	Other (specify)

4. Have you received accommodations for any standardized or entrance examinations? Check all applicable boxes below, attach a detailed description of the accommodations provided, and provide a Statement of Testing Agency/Educational Institution for each box you checked.

No accommodations

GRE, GMAT, etc.

SAT

LSAT

ACT

MPRE

Other (specify)

5. Have you received accommodations for a bar exam in another jurisdiction? YES NO
If YES, list below the jurisdiction(s) that provided you accommodations, attach a detailed description of the accommodations provided by each jurisdiction listed, and provide a Statement of Testing Agency/Educational Institution for each jurisdiction.
Jurisdictions:

6. Have you ever requested accommodations but had your request denied? YES NO
If YES, state: (a) the name and address of the entity to which the request was made; (b) the month and year the request was made; and (c) describe the accommodations requested.

ACCOMMODATIONS REQUESTED FOR THE MISSOURI BAR EXAM:

7. Check all accommodations that you are requesting to take the Missouri bar examination.
NOTE: All applicants may request to use their personal computer (subject to use of designated exam security software) and this is not considered an accommodation.

Large Print Test Questions (select one): 18 point 24 point

Audio Tape Version of Test Questions

Braille Version of Test Questions

Wheelchair Accessibility

Testing Room Separate from Main Testing Rooms

Use of a Reader (approved or provided by the Board)

Use of a Sign Language Interpreter (approved or provided by the Board)

Written Copy of Spoken Instructions

Use of a Typist (provided by the Board) to Transcribe Essay Answers

Use of a Scribe (provided by the Board) to Bubble MBE Answers

Use of a Personal Visual Aid Apparatus

Other (attach a detailed description)

Extra Breaks (specify)

Extra Testing Time: Specify the amount of additional time requested for each exam session:

Essay: 25% 33% 50% Other (specify)

MPT: 25% 33% 50% Other (specify)

MBE: 25% 33% 50% Other (specify)

CERTIFICATION AND AUTHORIZATION:

I certify that the information submitted in this Petition for Test Accommodations is true and complete to the best of my knowledge.

I understand that my Petition for Test Accommodations will not be considered by the Board of Law Examiners until all of the required documentation is received and that late fees may be assessed if the Petition or documentation is received after the timely filing deadline for the exam.

I understand that the Board may have my Petition and supporting documentation reviewed by the Board's medical consultants as necessary. I consent to the Board providing a copy of my Petition and all supporting documentation to such consultants as the Board deems necessary to adequately evaluate my request for accommodations.

If test accommodations are provided to me which include a deviation from the standard testing schedule, I agree that from the commencement of the examination through the conclusion of the entire examination, I will not communicate with any person other than an appointed representative of the Missouri Board of Law Examiners regarding anything about the examination, the subject matter, questions, or answers.

Date:

Signature of Applicant

Statement of Testing Agency/Educational Institution

Applicant's Name

Applicant's SSN

This form is to be completed by any educational institution or testing agency that has provided the applicant with accommodations based upon a physical or mental impairment.

1. State your name and title and the name, address, telephone and facsimile numbers of the testing agency or educational institution.

2. On what dates and in what course of study (e.g., elementary, high school, college, law school) or testing program (e.g., SAT, ACT, LSAT, MPRE, Bar Exam) was the applicant enrolled or registered?

3. State the nature of the applicant's physical or mental impairment that served as the basis for granting accommodations.

4. Specifically describe the accommodations granted to the applicant and the dates thereof. If the accommodations included extra time for tests, state the amount of extra time as either a percentage (e.g., 50%) OR as extra minutes per hour (e.g., 10 minutes extra per hour of testing).

5. Did the applicant fully utilize the accommodations that were granted? If not, please explain in detail.

Date

Signature of Official

Report of Physician or Qualified Professional

GENERAL INSTRUCTIONS:

The Petition for Test Accommodations must be supported by an appropriate assessment or diagnostic report completed by a qualified professional. **The diagnostic report must be on the professional's letterhead, typed, dated, signed by the professional, and otherwise legible.**

The Board of Law Examiners provides the documentation guidelines set out below to assist applicants and their health professionals in providing necessary supporting documentation from which the Board can verify the existence of a disability and the necessity of the accommodations requested. **Diagnostic reports must comply with the applicable documentation guidelines set out below.** Note, separate guidelines are provided for: (I) Physical/ Visual/Hearing Impairments or Psychiatric Disorders; (II) Learning Disorders; and (III) Attention Deficit/Hyperactivity Disorder. In each instance, the guidelines cover the following four main issues that must be addressed to support a request for accommodations: (1) qualifications of the diagnosing professional; (2) recency of the documentation; (3) comprehensiveness of the documentation to substantiate the diagnosis; and (4) evidence to establish a rationale to support the need for the requested accommodations.

In all instances, the documentation must be current. The provision of reasonable accommodations is based upon assessment of the current impact of the applicant's condition or impairment on taking the bar examination. Since manifestations of some disabilities may vary over time and in different settings, it is necessary that the documentation is sufficiently recent relative to the nature of the disability. If the documentation is inadequate in scope or content or does not address the applicant's current level of functioning and need for accommodations, reevaluation might be warranted. If changes in the applicant's performance have been observed or new medications prescribed or discontinued since the assessment, the evaluation report must be updated to include a detailed assessment of the applicant's current level of functioning and need for test accommodations.

I. Guidelines for Documentation of Physical/Visual/Hearing Impairments or Psychiatric Disorders

1. List your name, address, telephone number, and fax number, and describe the professional credentials that qualify you to make the particular diagnosis, including information about licenses and/or certifications, areas of specialization, and relevant training and experience.
2. List the date(s) of your assessment or examination of the applicant relative to the condition or impairment for which accommodations are requested.
3. State your diagnosis and describe the nature of the condition or impairment, including, if applicable, whether it is permanent, temporary, progressive, or fluctuating. **For psychiatric disorders:** reference the current psychiatric diagnostic manual (i.e., DSM-IV-TR); a complete DSM diagnosis should be provided, including Axis IV and Axis V; provide a sufficiently detailed description of psychiatric symptoms to support the diagnosis, including a description of symptom frequency and intensity to establish the severity of the psychiatric symptomatology.
4. Describe the specific diagnostic criteria and/or diagnostic assessment procedures used, including

any test results and a detailed interpretation of the test results. **In addition to your description, you should attach a copy of any pertinent medical records, including results of laboratory studies and diagnostic tests, which support the diagnosis.** Informal or nonstandard procedures should be described in enough detail that other professionals reviewing the report could understand the role and significance of the procedures in the diagnostic process.

5. Describe your treatment of the applicant, including but not limited to medications, assistive devices, or therapy. If medication is prescribed, include a description of any side effects the applicant experiences as a result of the medication. Describe specifically the extent to which treatment currently affects/abates/ameliorates the applicant's condition or impairment. State a prognosis.
6. Describe in detail any **current** functional limitations in applicant's daily activities caused by the condition or impairment, **as treated**. In addition, describe the **current** impact of the condition or impairment, **as treated**, on the ability of the applicant to take the Missouri Bar Examination under standard testing conditions. See Appendix A for a description of the Missouri Bar Examination.
7. Recommend specific accommodations for the applicant to take the bar exam, including a detailed explanation of why these accommodations are needed and how the accommodations will reduce the impact of the identified functional limitations. If your recommendation includes extra time to complete the examination, specify the amount of extra time recommended on each segment of the exam and describe in detail your rationale for the amount of time recommended. If accommodations were not previously requested or utilized by the applicant, explain why accommodations are necessary now.

II. Guidelines for Documentation of Learning Disorders

The following guidelines were adapted from *Guidelines for Documentation of a Learning Disability in Adolescents and Adults* developed by an ad hoc committee of the Association on Higher Education and Disability (AHEAD).

1. List your name, address, telephone number, and fax number, and describe the professional credentials that qualify you to make the particular diagnosis, including information about licenses and/or certifications, areas of specialization, and relevant training and experience.
2. List the date(s) of your assessment or evaluation of the applicant.
3. Provide a comprehensive assessment battery and resulting diagnostic report that includes the following:

A. Diagnostic Interview

An evaluation report should include the summary of a comprehensive diagnostic interview. Learning disabilities commonly are manifested during childhood, but not always formally diagnosed. Relevant information regarding the student's academic history and learning processes in elementary, secondary, and postsecondary education must be investigated and documented. The professional's diagnostic interview report should include the following: a description of the presenting problem(s); developmental, medical, psychosocial, and employment histories; family history (including primary language of the home and the applicant's current level of English fluency where applicable); a discussion of dual diagnosis

where indicated; and exploration of possible alternatives which may mimic a cognitive disorder when, in fact, one is not present.

B. Comprehensive Assessment Battery

The psycho-educational or neuropsychological evaluation for the diagnosis of a specific learning disability must provide clear and specific evidence that a learning disability does or does not exist. Assessment, and any resulting diagnosis, should consist of and be based on a comprehensive assessment battery that does not rely on any one test or subtest. Tests must be appropriately normed for the age of the patient and must be administered in the designated standardized manner. Evidence of a substantial limitation in learning or other major life activities must be provided. Minimally, the domains to be addressed should include the following:

1. Aptitude

A complete and comprehensive intellectual assessment with all subtests and standard scores reported.

2. Achievement

A comprehensive achievement battery with all subtests and standard scores reported. The battery should include current levels of academic functioning in relevant areas such as reading (decoding and comprehension) and oral and written language.

3. Information Processing

Specific areas of information processing (e.g., short and long term memory, sequential memory, auditory and visual perception/processing, processing speed, executive functioning, and motor ability) must be assessed.

4. Other Assessment Measures

Other assessment measures such as non-standard measures and informal assessment procedures or observations may be helpful in determining performance across a variety of domains. Other formal assessment measures may be integrated with the above instruments to help determine a learning disability and differentiate it from co-existing neurological and/or psychiatric disorders (i.e., to establish a differential diagnosis). Relevant clinical observations of the applicant made by the diagnosing professional may be helpful and included in the evaluation report.

C. Test Scores Must Be Provided

Standard scores and/or percentiles, as well as identification of the form used and the norms used, must be provided for all normed measures. It is helpful to list all test data in a score summary sheet appended to the report. Grade equivalents are not useful unless standard scores and/or percentiles also are included.

D. Records of Academic History Should be Provided

Records, such as grade reports, transcripts, teachers' comments, etc. will serve to substantiate self-reported academic difficulties in the past and currently.

E. Specific Diagnosis

Individual "learning styles," "learning differences," "academic problems," and "test difficulty or anxiety" in and of themselves do not constitute a learning disability. It is important to rule out alternative explanations for problems in learning such as emotional, attentional, or motivational problems that may be interfering with learning but do not constitute a learning disability. The diagnostician is encouraged to use direct language in the diagnosis and documentation of a learning disability, avoiding the use of terms such as "suggests" or "is

indicative of.”

F. Clinical Summary

A well written diagnostic summary based upon a comprehensive evaluation process is a necessary component of the report. Assessment instruments and the data they provide do not diagnose; rather, they provide important elements that must be integrated by the evaluator with background information, observation of the applicant during the testing, and the current context. It is essential that the professional integrate all information gathered in a well developed clinical summary. The clinical summary must include:

1. Demonstration that the evaluator has ruled out alternative explanations for academic problems as a result of poor education, poor motivation, and/or study skills, emotional problems, attentional problems and cultural or language differences;
 2. Indication of how patterns in cognitive ability, achievement and information processing reflect the presence of a learning disability;
 3. Indication of the substantial limitation to current learning or other major life activity presented by the learning disability and the degree to which it impacts the individual in the context of taking the Missouri bar examination; and
 4. Indication of any corrective measures that alleviate the substantial limitation and the extent thereof.
4. Recommend specific accommodations for the applicant to take the bar exam, including a detailed explanation of why each accommodation is needed. If your recommendation includes extra time to complete the examination, specify the amount of extra time recommended on each segment of the exam and describe in detail your rationale for the amount of time recommended. Support your recommendations with specific test results or clinical observations. It is important to recognize that accommodation needs can change over time and are not always identified through the initial diagnostic process. Conversely, a prior history of accommodation does not, in and of itself, warrant the provision of a similar accommodation. If accommodations have not been provided previously, the evaluator should include a detailed explanation as to why accommodations are needed now. A description of the Missouri bar examination is provided in Appendix A.

III. Guidelines for Documentation of ADHD

The following guidelines were adapted from *Guidelines for Documentation of Attention-Deficit/Hyperactivity Disorder in Adolescents and Adults* developed by The Consortium on ADHD Documentation.

1. List your name, address, telephone number, and fax number, and describe the professional credentials that qualify you to make the particular diagnosis, including information about licenses and/or certifications, areas of specialization, and relevant training and experience.
2. List the date(s) of your assessment or evaluation of the applicant.
3. Provide documentation of a comprehensive assessment that includes the following:
 - A. Evidence of Early Impairment (officially by age 7 but by age 12 at the latest)**

Diagnosis of ADHD hinges on evidence of clinically significant impairment that has a childhood onset (although it might not be formally diagnosed until later). Because symptoms

of ADHD are first exhibited in childhood and manifest in more than one setting, relevant, historical information is essential. It must be documented beyond the applicant/patient's self-report. Therefore, a comprehensive evaluation should include a clinical summary of objective historical information (such as educational transcripts, report cards, teacher comments, past psycho-educational testing, and third party interviews) verifying a chronic and pervasive course of ADHD symptoms beginning in childhood.

B. Evidence of Current Impairment

In addition to providing evidence of childhood history of clinically significant impairment in more than one setting, the documentation should include the following:

1. Statement of Presenting Problem

A history of the individual's presenting attentional symptoms should be provided, including evidence of ongoing impulsive/hyperactive or inattentive behavior that significantly impair functioning in two or more settings.

2. Diagnostic Interview

The information collected for the summary of the diagnostic interview should consist of more than self-report. Information from third-party sources is critical in the diagnosis of ADHD. The diagnostic interview (with information from a variety of sources) should include, but not necessarily be limited to, the following:

- (a) history of symptoms;
- (b) developmental history;
- (c) relevant medical and medication history, including the absence of a medical basis for the present symptoms;
- (d) a thorough academic history of elementary, secondary and postsecondary education;
- (e) family history for presence of ADHD and other educational, learning, physical or psychological difficulties deemed relevant by the evaluator;
- (f) relevant employment history;
- (g) relevant psychosocial history and any relevant interventions;
- (h) review of any prior psycho-educational test reports to determine whether a pattern of strengths or weaknesses is supportive of attention or learning problems;
- (i) description of current functional limitations that presumably are a direct result of ADHD symptoms; and
- (j) evaluation of the effectiveness of past and current medications, if any, prescribed for relief of ADHD symptoms and an evaluation of the effectiveness of behavioral intervention.

C. Rule Out of Alternative Diagnoses or Explanations

The evaluator must investigate and discuss the possibility of dual diagnoses and alternative or co-existing mood, behavioral, neurological, and/or personality disorders that may confound the diagnosis of ADHD. This process should include exploration of possible alternative diagnoses, medical or psychiatric disorders, and educational and cultural factors impacting the individual which may result in behaviors mimicking ADHD.

D. Relevant Testing

Neuropsychological or psycho-educational assessment may be necessary to determine the individual's pattern of strengths or weaknesses and to determine whether there are patterns of

attention problems. Test scores or subtest scores alone should not be used as the sole basis for diagnostic decision. Selected subtest scores from measures of intellectual ability, memory functions tests, attention or tracking tests, or continuous performance tests do not in and of themselves establish the presence or absence of ADHD. They may, however, be useful as one part of the process in developing clinical hypotheses. Checklists and/or surveys can serve to supplement the diagnostic profile but by themselves are not adequate for the diagnosis of ADHD and do not substitute for clinical observations, evidence from history, an analysis of current functioning, and sound diagnostic judgment. When testing is used, standard scores must be provided for all normed measures.

E. Specific Diagnosis Based on DSM-IV Criteria

The report must include a review and discussion of the DSM-IV diagnostic criteria for ADHD both currently and retrospectively and specify the extent to which the applicant currently meets those criteria. Individuals who report problems with organization, test anxiety, memory and concentration only on a situational basis do not fit the prescribed diagnostic criteria for ADHD. Given that many individuals benefit from prescribed medications and therapies, a positive response to medication by itself is not supportive of a diagnosis, nor does the use of medication in and of itself either support or negate the need for accommodation.

F. An Interpretive Summary Should be Provided

A well written diagnostic summary based upon a comprehensive evaluation process is a necessary component of the report. Assessment instruments and the data they provide do not diagnose; rather, they provide important elements that must be integrated by the evaluator with background information, historical information, and current functioning. It is essential that the professional integrate all information gathered in a well developed clinical summary. Because of the challenge of distinguishing normal behaviors and developmental patterns (e.g., procrastination, disorganization, distractibility, restlessness, boredom, academic underachievement) from clinically significant impairment, a multifaceted evaluation and summary report should address the intensity and frequency of the symptoms and the impact on major life activities.

4. Recommend specific accommodations for the applicant to take the bar exam, including a detailed explanation of why each accommodation is needed. Each recommendation should be correlated with specific functional limitations determined through interview, observation, and/or testing. Include any record of specific prior accommodations and whether or not the accommodations benefitted the applicant. A prior history of accommodations without demonstration of a current need, however, does not alone warrant the provision of similar accommodations. If accommodations have not been provided previously, the evaluator should include a detailed explanation as to why accommodations are needed now. A description of the Missouri bar examination is provided in Appendix A.

APPENDIX A:

Description of the Missouri Bar Examination

The Missouri bar examination is a timed two-day written examination. The first day is comprised of essay questions and the second day is comprised of multiple choice questions. Applicants are required to hand write answers to the essay questions and to darken circles on a computer-graded grid sheet to answer the multiple choice questions. Applicants have the option to type the essay answers using their own computer but have to be prepared to hand write in the event of a computer malfunction.

Applicants typically are seated two to a six-foot table in a testing room set for 100-300 applicants. They are permitted to leave the room go to the water station in the test room or to go to the restroom but are not given extra time to do so.

The first day of the exam is administered in three segments. The first segment is two hours and consists of four essay questions. There is a 15 minute break between the first and second segments. The second segment is 90 minutes and consists of one skills-based question. There is a lunch break of one hour between the second and third segments. The third segment is three hours and consists of six essay questions.

The second day of the exam is divided into two sessions. Each session consists of 100 multiple choice questions to be completed in three hours. Applicants are given a 1-1/2 hour lunch break between the morning and the afternoon sessions.